

UNITED STATES OF AMERICA,
Plaintiff,
v.
ROBERT SMITH,
Defendant.

**STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING EVIDENTIARY
HEARING**

On September 27, 2006, the parties in this matter appeared before the Court for a hearing on defendant's motion to suppress. The Court continued the matter for an evidentiary hearing. The evidentiary hearing is presently scheduled for October 20, 2006.

Defense counsel seeks, and the government does not object to, a short continuance of the hearing date to facilitate effective preparation. Accordingly, the parties agree and stipulate that the evidentiary hearing presently scheduled for October 20, 2006 should be continued to November 8, 2006 at 9:00 AM. Because the defendant's motion remains pending, the requested

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1 continuance will have no effect on the Speedy Trial Act calculation.

2 IT IS SO STIPULATED.

3 Dated: 10/16/06


BARRY J. PORTMAN
Federal Public Defender
JOSH COHEN
Assistant Federal Public Defender

6 Dated:

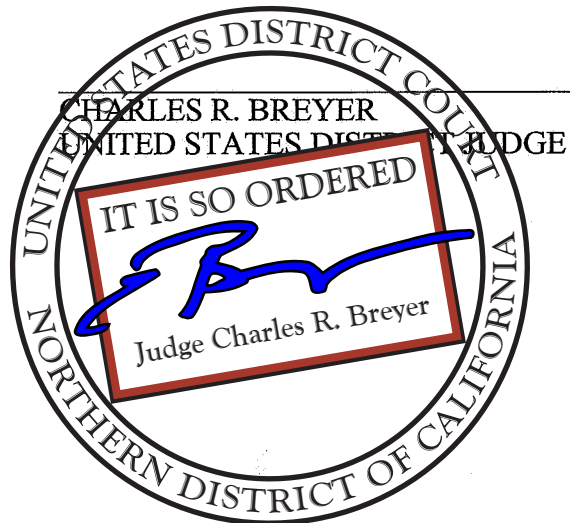
7 KEVIN V. RYAN
United States Attorney
8 MICHELLE MORGAN-KELLY
Assistant United States Attorney

10 **ORDER**

11 Accordingly, and for good cause shown, the Court orders that the evidentiary hearing
12 presently scheduled for October 20, 2006 shall be continued to November 8, 2006 at 9:00 AM.

13 IT IS SO ORDERED.

14 Dated: October 19, 2006



10-16-08

16:48

From-FEDERAL PUBLIC DEFENDER

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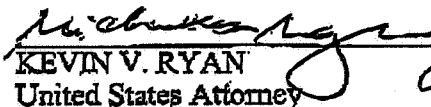
1 continuance will have no effect on the Speedy Trial Act calculation.

2 IT IS SO STIPULATED.

3 Dated: 10/16/06


BARRY J. PORTMAN
Federal Public Defender
JOSH COHEN
Assistant Federal Public Defender

6 Dated: 10/16/06


KEVIN V. RYAN
United States Attorney
MICHELLE MORGAN-KELLY
Assistant United States Attorney

10 ORDER

11 Accordingly, and for good cause shown, the Court orders that the evidentiary hearing
12 presently scheduled for October 20, 2006 shall be continued to November 8, 2006 at 9:00 AM.

13 IT IS SO ORDERED.

14 Dated:


CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned hereby certify under penalty of perjury that the following true copy of the **Stipulation and [Proposed] Order Continuing Evidentiary Hearing**, Concerning the case of **United States v. Robert Smith, CR 06-0172 CRB** were delivered by fax transmittal to:

United States Attorney
1301 Clay St.
Oakland, CA
Attention Michelle Morgan-Kelly
Fax #: (510) 637-3724

October 17, 2006


MICHAEL TARKINGTON